



INTERIOR BOARD OF INDIAN APPEALS

Alinda Yellowhair v. Superintendent, Anadarko Agency, Bureau of Indian Affairs

39 IBIA 246 (02/24/2004)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

ALINDA YELLOWHAIR,
Appellant

v.

SUPERINTENDENT, ANADARKO
AGENCY, BUREAU OF INDIAN
AFFAIRS,
Appellee

: Order Docketing and Dismissing
: Appeal
:
:
: Docket No. IBIA 04-68-A
:
:
:
: February 24, 2004

On February 20, 2003, the Board of Indian Appeals (Board) received a notice of appeal from Appellant Alinda Yellowhair, appealing a decision of the Bureau of Indian Affairs (BIA) concerning the Kiowa Tribe Business Committee. Appellant alleges that the Superintendent, Anadarko Agency, BIA (Superintendent), "has ruled in favor" of an individual whose term on the election board Appellant asserts has expired, and that the Superintendent has improperly authorized a recall election of the Business Committee Chairman and Vice-Chairman. It is unclear what specific decision – whether written or unwritten – Appellant seeks to appeal. More important, however, is the fact that Appellant refers only to a purported decision by the Superintendent, and not to any decision by the Southern Plains Regional Director, BIA.

The Board has authority to review decisions of Regional Directors, but does not have jurisdiction over appeals by BIA officials subordinate to a Regional Director. See, e.g., McKenzie v. Senior Awarding Official, 39 IBIA 242, 244 (2004) (citing Dahozzy v. Natural Resource Manager, 38 IBIA 203 (2002)). Decisions by the Superintendent are appealable to the Regional Director, and the Board refers the appeal to the Regional Director for consideration and action, as appropriate.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board docketed this appeal but dismisses it without prejudice for lack of jurisdiction.

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Kathleen R. Supernaw
Acting Administrative Judge